

REMARKS

Applicants thank the Examiner for the through consideration given the present application. Claims 2, 3, 5-20 and 22 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Allowable Subject Matter

Applicants gratefully acknowledge that the Examiner considers the subject matter of claims 2 and 3/2 as being allowable if rewritten in independent form. Although not conceding the appropriateness of the Examiner's rejections, claim 2 has been rewritten in independent form. The dependency of claim 3 has been made to depend from claim 2. Accordingly, claims 2, 3, and 16-18 are now in condition for allowance.

Specification

The Examiner objected to the specification due to misspellings of the word "shredded" and "shredding". Applicants have corrected this error in four locations. This objection is believed to be overcome.

The Examiner objected to the Abstract as exceeding 150 words and using claim language. By way of the present Amendment, Applicants have rewritten the Abstract in a single paragraph of less than 150 words. The claim language has also been avoided.

Claim Objections

The Examiner objected to claim 1 due to the use of the term "foils". Applicants have now rewritten this language as "a plurality of layers of synthetic foil". Likewise, claim 22, which is a new independent claim, also uses language which avoids this term.

The Examiner objected to claim 9 and required the word "or". This has also been added by way of the present Amendment.

Claim Rejections under 35 U.S.C. § 112

Claims 1 and 4-8 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner believes the use of the term “foil” is indefinite since claim 21 provides for the use of synthetic material although the Examiner feels that a foil is a piece of sheet metal. Applicants disagree that the use of the term “foil” is limited to a metallic foil. The Examiner is referring to US Patent 5,700,378 to Lee et al. which the Examiner has cited in the rejection. Column 5, lines 29 and 30 state “the foil is preferably made of a plastic material”. Thus, Applicants submit that it is known in the art to use the term “foil” in regard to plastic material. However, in order to avoid any possible misunderstanding, Applicants have amended the specification to point out that the foil is preferably plastic material. Also, claim 21 has now been cancelled and its limitations incorporated into new independent claim 22. Thus, no discrepancy between two claims can be involved.

The Examiner rejected claims 8-11 as having insufficient antecedent basis for the term “structured foil”. By way of the present Amendment, Applicants have rewritten claims 8-11 to depend from claim 22 which now includes the limitation of claim 4.

The Examiner rejected claims 16 and 17 due to insufficient antecedent basis for the term “the pressure chamber”. By way of the present Amendment, Applicants have rewritten these claims to depend from claim 2 as suggested by the Examiner. Also, “a stand” has been removed.

The Examiner rejected claim 18 as lacking antecedent basis for “the level meter” and “the pressure chamber”. By way of the present Amendment, claim 18 has been rewritten to depend from claim 2 and “the” has been changed to “a” before level meter.

The Examiner rejected claim 21 as being indefinite due to a reference to synthetic material. As explained above, claim 21 has been cancelled and its limitations incorporated into claim 22. The specification has been amended to point out that the foils are made of synthetic material. Accordingly, Applicants submit that claim 21 is now definite.

Claim Rejection under 35 U.S.C. § 103

Claims 1, 3/1, 4-11, 13, 15, 19, and 20 stand rejected under 35 U.S.C. § 103 as being obvious over Ernryd et al. (WO 98/46324) in view of Lee et al. (US Patent 5,700,378). This rejection is respectfully traversed.

By way of the present Amendment, Applicants have rewritten claim 2 to include the limitations of claim 1 and claim 1 has accordingly been cancelled. Claim 3 has been made to depend from only claim 2 so that claims 2 and 3 are now allowable. Further, the remaining dependent claims have been made to depend from claim 22 which includes the limitations of claims 1, 4, and 21. Since the Examiner has not rejected claim 21 over this art, Applicants submit that claim 22 and the claims which depend there from are also allowable.

Further, while the Examiner has pointed out that Ernryd et al. shows an apparatus for separating amalgam from dental sewage including a housing having an inlet chamber, a passage chamber with a separator made of plates, an outlet chamber and stands, the Examiner admits that the reference does not show that the separator is made of foils. The Examiner relies on Lee et al. to teach a separator with the elements made of foil. Applicants submit that the new claim 22 is allowable over this combination of references since the separators being described are made of layers of structured plastic foil and that the apparatus is recyclable synthetic material. Applicants submit that the combination of Ernryd et al. and Lee et al. does not teach these features, and accordingly, claim 22 is allowable.

Claims 5-15, 19 and 20 depend from claim 22 and as such are also considered to be allowable. In addition, each of these claims have other features which make them additionally allowable.

Claim 12 stands rejected under 35 U.S.C. § 103 as being obvious over Ernryd et al. in view of Lee et al. and further in view of Holz (US Patent 4,571,298). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ernryd et al. in view of Lee et al. and further in view of Kopp (US Patent 1,902,171). These rejections are respectfully traversed.

The Examiner has cited the Holz and Kopp references to teach the use of a perforated plate having holes and the use of a vent channel. Applicants submit that even if these references

do teach these features, these claims remain allowable based on their dependency from allowable claim 22. Accordingly, Applicants submit that all of the claims are now allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

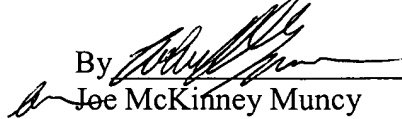
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$1020.00 is attached hereto.

In the event that there are any outstanding matters remaining in this application, the Examiner is invited to contact the undersigned (703) 205-8000, in Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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